



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
601 E 12TH STREET ROOM 635
KANSAS CITY MISSOURI 64106-2896

CENWK-PM-PR

10 June 2013

MEMORANDUM FOR DISTRICT COMMANDER/Colonel Anthony J. Hofmann

SUBJECT: P.L. 84-99 Levee Repairs Emergency Provision for Compliance with NEPA

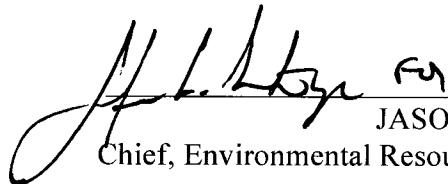
1. This memorandum is to request your approval to complete P.L. 84-99 Levee Repairs, from flooding in 2013, using the emergency provision of Engineering Regulation (ER) 200-2-2 Procedures for Implementing the National Environmental Policy Act (NEPA). The emergency provision of ER 200-2-2 allows NEPA documentation to be accomplished after completion of emergency work. Preliminary coordination with the U.S. Fish and Wildlife Service indicates no significant issues in completing environmental documentation during or following repairs. The provision will allow us to move forward with construction of the levee repairs while we complete our NEPA compliance. This ER specifically states that emergency actions are to include flood control and coastal emergency activities pursuant to P.L. 84-99. This ER also states that emergency actions include responding to situations to prevent or reduce imminent risk of life, health, property, or severe economic losses.
2. We are considering these levee repairs to be emergency actions because of the following:
 - a. The need to complete construction of levee repairs as soon as possible and prior to the next flood season.
 - b. The risk of economic loss from additional flooding of communities along the Missouri and Grand Rivers and adjacent agricultural lands.
3. A Finding of No Significant Impact was signed in 2012 for a Programmatic Environmental Assessment for Public Law 84-99 Emergency Levee Rehabilitation Program. Individual levee repair projects are evaluated on a case-by-case basis to determine if they meet the conditions of the Programmatic Environmental Assessment. If the conditions are met, then a tiered Environmental Assessment is prepared as described in 40 CFR Part 1508.28. If the repairs do not meet the conditions, then an individual Environmental Assessment is prepared. The construction guidelines that we use on these levee repairs have been developed in coordination with the U.S. Fish and Wildlife Service after large flood events in 1993 and 1995, and were used after flood events in 2007, 2008, and 2011. These guidelines were developed to insure that P.L. 84-99 levee repairs avoid adverse impacts to environmental resources including wetlands, fish and wildlife, and cultural resources. Though future levee repair alignments are not known at this time, repairs are

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not anticipated to have significant environmental impacts due to the use of the guidelines developed in coordination with the U.S. Fish and Wildlife Service. Because of this, in accordance with ER 200-2-2, we do not consider these actions to be major in scope or to potentially have significant environmental impacts and therefore these emergency actions do not need to be referred through NWD to HQUSACE.

4. Efforts will be made to complete NEPA prior to the emergency work. However, dependent on the number of requests for assistance that we receive, using this emergency provision of ER 200-2-2 will allow us to avoid impacts to our existing work load.
5. Recommend approval of the emergency provision of ER 200-2-2 for completing the environmental documentation in support of levee repairs.
6. Point of contact is Mr. Jesse Granet, PM-PR, 816-389-3470.


JASON FARMER
Chief, Environmental Resources Section

 A. J.
 X Approved
 Not Approved


ANTHONY J. HOFMANN
Colonel, Corps of Engineers
District Commander

 19 JUNE 2013
(Date)